IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

I.T.R. No.149 of 1998
Date of decision: 28.10.2006

The Commissioner of Income-tax, Ludhiana.

-----Applicant

Vs.

M/s Bhaskar Ceramics (P) Ltd., Malerkotla.

-----Respondent

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE RAJESH BINDAL

Present: Mr. S.K. Garg Narwana, Advocate
for the revenue.

ORDER:

Following question of law has been referred for opinion of this Court by the Income Tax Appellate Tribunal, Chandigarh Bench, Chandigarh, arising out of its order passed in I.T.A. No.1720 & 1721/Chandi/92 in respect of assessment years 1989-90 and 1990-91:-

> "Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in confirming the order of the CIT(A) allowing depreciation as per Income-Tax Rules to the assessee for computing the quantum of Income u/s 115 J primarily on the ground that the same was based on the views expressed by the then Chairman of the CBDT in a departmental publication?"

In view of our judgment rendered today in I.T.R. No.100 of 1999 ***The Commissioner of Income Tax, Ludhiana*** **v.** ***M/s Sona Woollen Mills (P) Limited, Ludhiana***, the question referred is answered against the revenue and in favour of the assessee.

(ADARSH KUMAR GOEL)
JUDGE

October 28, 2006
ashwani

(RAJESH BINDAL)
JUDGE